

1 STEVEN JACOBS
2 State Bar #76871
3 LAW OFFICES OF STEVEN JACOBS
4 A Professional Corp.
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6 San Leandro, CA 94578

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7 Attorney for Debtors

8 **UNITED STATES BANKRUPTCY COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 In re:

11 ROGELIO AGUAYO and
12 AURORA AGUAYO,

CASE NO. 09-47468 EDJ13
Chapter 13

13 APPLICATION VACATING ORDER OF
14 DISMISSAL

15 Debtors.
_____ /

16 The application of ROGELIO AGUAYO and AURORA AGUAYO, Debtors
17 herein, by and through their attorney of record, STEVEN JACOBS, ESQ., respectively
18 represents:

19 1. A voluntary petition for relief under Chapter 13 of Title 11 of the United
20 States Code was filed on August 13, 2009.

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1 2. An Application and Order Approving Dismissal of Chapter 13 having
2 been entered on or about December 18, 2009. The Chapter 13 case was dismissed for
3 failure to obtain order on motion to value, however, the Order to value was submitted on
4 November 2, 2009, in which a defective order on the Motion was received. The Debtors
5 request that they be allowed to amend the original motion to value collateral in order to
6 complete the process and reinstate their case.

7 3. The Debtors request that the dismissal be vacated, that they be allowed
8 to proceed with their bankruptcy as originally scheduled.
9

10 WHEREFORE, the Debtors request that their Chapter 13 be allowed to
11 proceed and that the Order approving dismissal of the Chapter 13 be vacated, and for such
12 other relief as the Court deems just and proper.

13
14 Dated: January 5, 2010

/s/ Steven Jacobs

STEVEN JACOBS

Attorney for Debtors

15
16 TRUSTEE'S APPROVAL OR DISAPPROVAL

17 I ____ do, I **X** do not object to an Order Vacating Order of Dismissal and
18 allowing the Debtors to proceed with their Chapter 13 proceeding.
19

20 Dated: December 31, 2009

/s/ Martha G. Bronitsky

MARTHA G. BRONITSKY

Chapter 13 Trustee

1 PROOF OF SERVICE BY MAIL

2 I am a resident of the County of Alameda over the age of 18 years and not a party of the
3 within action; my business address is in care of the LAW OFFICES OF STEVEN JACOBS
4 INC., A Professional Corporation, 14895 East 14th Street, Suite 390, San Leandro, CA
5 94578.

6 On January 5, 2010, I served the following documents:

7 APPLICATION AND ORDER VACATING DISMISSAL OF CHAPTER 13

8 on the parties to said action by placing a true copy thereof in a sealed envelope with postage
9 thereon, fully prepaid, in the United States mail at San Leandro, California, addressed:
10

11 U.S. TRUSTEE OFFICE
12 1301 CLAY STREET SUITE 690 N
OAKLAND, CA 94612

13 MARTHA G BRONITSKY, TRUSTEE
14 P.O. BOX 5004
HAYWARD, CA 94540

15 LIST OF ADDITIONAL CREDITORS ATTACHED AS EXHIBIT "A"

16 I certify that I am employed in the office of a member of the Bar at whose direction this
17 service was given. I declare under penalty of perjury that the foregoing is true and correct.

18 Executed at San Leandro, California on January 5, 2010.

19
20
21 **/s/ Carolina Rangel**
CAROLINA RANGEL

LIST OF ADDITIONAL CREDITORS
Exhibit "A"

Arrow Financial Services
5996 W Touhy Ave
Niles, IL 60714

Atlantic Credit
P.O. Box 13386
Roanoke, VA 24033

Bac / Fleet Bankcard
P.O. Box 26012
Greensboro, NC 27420

Beneficial/hfc
P.O. Box 1547
Chesapeake, VA 23327

CAC Financial Corp.
2601 NW Expressway #100
Oklahoma City, OK 73112

Capital 1 Bank
Attn: TSYS Debt Management
P.O. Box 5155
Norcross, GA 30091

Chase
JP Morgan Chase
P.O. Box 15153
Wilmington, DE 19850-5153

CIR, Law Offices
8665 Gibbs Dr. #150
San Diego, CA 92123

DSRM National Bank
P.O. Box 631
Amarillo, TX 79105

HSBC
Attn: Bankruptcy
P.O. Box 5213
Carol Stream, IL 60197

Indymac bank
2531 cerritos rd
Brentwood, CA 94513

JC Penney
Attn: Bankruptcy Dept.
P.O. Box 103106
Roswell, GA 30076

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1 Mann Bracken LLC
2325 Clayton Rd.
2 Concord, CA 94520
3 Nations Recovery Center
P.O. Box 48719
4 Atlanta, GA 30362-1719
5 One West
155 North Lake Ave.
Pasadena, CA 91101
6 Receivables Performance Mgmt.
20816 44th Ave. W
7 Lynnwood, WA 98036
8 Resurgent Capital Service
Sherman Acquisitions
9 P.O. Box 10587
Greenville, SC 29603
10 Viking Collection Service
P.O. Box 59207
11 Minneapolis, MN 55459-0207
12 Washington Mutual Bank
Attn: Bankruptcy Dept
13 7255 Bay Meadows Way
Jacksonville, FL 32256
14 Washington Mutual Mortgage
Attn: Bankruptcy Dept. JAXA 2035
15 7255 Bay Meadows Way
Jacksonville, FL 32256
16 Wells Fargo Card Ser
P.O. Box 5058
17 Portland, OR 97208
18 Wells Fargo Financial Bank
Bankruptcy Dept.
19 4137 121st St.
20 Urbandale, IA 50323
21 Wfnnb/brylane Home
4590 E Broad St
22 Columbus, OH 43213
23 Zenith Acquisition
220 John Glenn Dr # 1
24 Amherst, NY 14228
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